

**AGENDA**  
**DANIA BEACH CITY COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, JULY 12, 2011 - 7:00 P.M.**

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ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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LOBBYIST REGISTRATION REQUIRED. REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY THE COMMISSION ON ANY PETITION OR ISSUE PURSUANT TO ORDINANCE # 01-93. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE IN THE ADMINISTRATION CENTER.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE, 100 W. DANIA BEACH BOULEVARD, DANIA BEACH, FL 33004, (954) 924-6800 EXTENSION 3624, AT LEAST 48 HOURS PRIOR TO THE MEETING.

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IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
  - B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
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**1. CALL TO ORDER/ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS AND SPECIAL EVENT APPROVALS**

- 1. Mayor Debby Eisinger - Broward County League of Cities
- 2. Dr. Herman Wrice Awards
- 3. Airport Advisory Board Presentation
- 4. Special Event request from Pride of Hollywood for a book bag and school supplies give away, to be held Saturday, August 6, 2011 from 9:00 a.m. - 3:00 p.m. at Chester Byrd Park
- 5. Special Event request from United Churches of Liberia (UCOL) for the Annual Progress in the Park Back to School Parade, to be held Saturday, August 6, 2011 from 9:00 a.m. - 10:00 a.m.

**4. PROCLAMATIONS**

**5. CITIZEN COMMENTS**

Addressing the Commission: Comments by Dania Beach citizens, or other interested parties that are not part of the regular agenda, may be

made during each Commission meeting during the period set aside for "citizen comments." A thirty (30) minute "citizen comments" period shall be designated on the agenda for citizens and interested persons to speak on matters not scheduled on that day's agenda. Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the City Clerk prior to the beginning of the meeting of their intention to speak. If more than 10 speakers express a desire to speak, the Commission shall determine, on a meeting by meeting basis, whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

## **6. PUBLIC SAFETY REPORTS**

## **7. CONSENT AGENDA**

### **1. Minutes:**

Approve minutes of June 21, 2011 Special City Commission Meeting  
Approve minutes of June 28, 2011 City Commission Meeting

### **2. Travel Requests:**

Request of Commissioner Anne Castro to attend the 2011 Florida League of Cities 85th Annual Conference in Orlando, Florida, on August 11-14, 2011 (Estimated cost \$1,301.66)

### **3. RESOLUTION NO. 2011-065**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING A CITY "DEBT MANAGEMENT POLICY"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### **4. RESOLUTION NO. 2011-066**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN "AGREEMENT FOR PERMIT" AND AN "AGREEMENT" WITH SOUTHERN WASTE SYSTEMS, LTD., AND APPROVING A "FIRST AMENDMENT TO RESTRICTIVE COVENANTS" TO BE EXECUTED BY THAT PROPERTY OWNER AND RECORDED AGAINST THE SUBJECT PROPERTY WHICH IS LOCATED IN THE 3200 BLOCK OF SW 26TH TERRACE IN THE CITY OF DANIA BEACH, TO ALLOW THE CONSTRUCTION OF AN ACCESSORY EQUIPMENT STORAGE STRUCTURE TO BE LOCATED ON THE PROPERTY, SUBJECT TO SUBSEQUENT SITE PLAN APPROVAL BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### **5. RESOLUTION NO. 2011-068**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN

INTERLOCAL AGREEMENT WITH BROWARD COUNTY PERTAINING TO THE MONITORING OF DEVELOPMENT ACTIVITY AND ENFORCEMENT OF PERMITTED LAND USES IN THE REGIONAL ACTIVITY CENTER ("RAC"); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

6. RESOLUTION NO. 2011-069

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPOINTING RICHARD CONNER AND MEAH TELL TO ACT AS CODE ENFORCEMENT SPECIAL MAGISTRATES FOR MUNICIPAL CODE ENFORCEMENT PROCEEDINGS AND SETTING THE COMPENSATION FOR THEIR SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTION NO. 2011-070

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ACCEPTING THE AMENDMENT TO THE SANITARY SEWER EASEMENT FROM PALMETTO HOSPITALITY OF DANIA BEACH HP, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND PALMETTO HOSPITALITY OF DANIA BEACH SS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

8. RESOLUTION NO. 2011-071

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR FUND TRANSFERS AND APPROPRIATION OF FUNDS FOR PAYMENT OF LITIGATION EXPENSES TO WEISS SEROTA HELFMAN, PASTORIZA, COLE & BONISKE, P.L., AND TO RYAN & RYAN, LLC FOR CODE/LIEN LEGAL SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

9. RESOLUTION NO. 2011-072

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPOINTING JAMES A. CHEROF, ESQUIRE, OF THE LAW FIRM OF GOREN, CHEROF, DOODY & EZROL, P.A., AS SPECIAL LABOR COUNSEL; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

10. ORDINANCE NO. 2011-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH,

FLORIDA APPROVING THE REQUEST MADE BY ALEX NICHOLS, PROPERTY OWNER, TO REZONE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SW 31ST STREET AND SW 26TH TERRACE (TRAM ROAD), SOUTH OF STATE ROAD 84 IN THE CITY OF DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM RESIDENTIAL SINGLE FAMILY (RS-6000) TO INDUSTRIAL RESEARCH OFFICE MARINE - AIRPORT APPROACH (IROM-AA), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

11. ORDINANCE NO. 2011-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTIONS 13-68 ENTITLED "DEFINITIONS" AND 13-74, ENTITLED "GARBAGE COLLECTION BY PRIVATE HAULERS, PERMITS REQUIRED", BY AMENDING PARAGRAPH 2 ENTITLED "FRANCHISE FEE REQUIRED" AND PARAGRAPH 5, OF ARTICLE IV, ENTITLED "GARBAGE AND TRASH" OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

12. ORDINANCE NO. 2011-027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REPEALING SECTION 2-12 IN ITS ENTIRETY, ENTITLED "ISSUANCE OF PROMISSORY OBLIGATIONS", OF ARTICLE I, ENTITLED "IN GENERAL" OF CHAPTER 2, ENTITLED "ADMINISTRATION" AND CREATING A NEW SECTION 2-12 OF ARTICLE 1 TO BE ENTITLED "DEBT MANAGEMENT POLICY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

**8. BIDS AND REQUESTS FOR PROPOSALS**

**9. PUBLIC HEARINGS**

1. ORDINANCE NO. 2011-020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 6-15, ENTITLED "SURFING RESTRICTED TO SPECIFIED AREA, TIME", OF ARTICLE 1, ENTITLED "IN GENERAL", OF THE CODE OF ORDINANCES, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

2. ORDINANCE NO. 2011-021

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA PERTAINING TO FLOOD REGULATIONS; AMENDING CHAPTER 12, "FLOOD DAMAGE PREVENTION" OF THE CITY CODE OF ORDINANCES; AMENDING SECTION 12-5 ("DEFINITIONS"); AMENDING ARTICLE II, "ADMINISTRATION", CODE SECTION 12-31 ("DESIGNATION OF BUILDING OFFICIAL"), SECTION 12-32 ("DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL"), SECTION 12-34 ("VARIANCE PROCEDURES"), AND SECTION 12-52 ("SPECIFIC STANDARDS"); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

3. ORDINANCE NO. 2011-022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING A MODIFICATION TO THE CAPITAL IMPROVEMENT SCHEDULE OF THE CITY OF DANIA BEACH, PURSUANT TO SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

4. ORDINANCE NO. 2011-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT AND THE PUBLIC SCHOOL FACILITIES ELEMENT; PROVIDING FOR TRANSMITTAL AND ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

5. ORDINANCE NO. 2011-024

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE IX "HISTORIC PRESERVATION" OF CHAPTER 8 "BUILDINGS" OF THE CODE OF ORDINANCES CONCERNING THE CITY'S HISTORIC MARKER AND PLAQUE PROGRAM; AMENDING ARTICLE 105 "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS" REGARDING PERMITTED ACCESSORY USES AND STRUCTURES; AMENDING ARTICLE 110 "USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND PROVIDING

FOR SUPPLEMENTAL USE REGULATIONS; AMENDING ARTICLE 115 "INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND CONDITIONS OF USE; AMENDING ARTICLE 205 "TABULAR SUMMARY OF SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS" TO AMEND DEVELOPMENT STANDARDS FOR ZONING DISTRICTS; AMENDING ARTICLE 215 "SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE" TO AMEND YARD AND IMPERVIOUS AREA REGULATIONS; CREATING ARTICLE 221 "NOISE MITIGATION" TO PROVIDE FOR NOISE MITIGATION REQUIREMENTS FOR RESIDENTIAL PROPERTIES WITHIN ACCEPTED FEDERAL AVIATION ADMINISTRATION LONG-RANGE NOISE EXPOSURE AREAS; AMENDING ARTICLE 265 "OFF-STREET PARKING REQUIREMENTS" TO AMEND PARKING REQUIREMENTS FOR PROPERTIES WITHIN THE DESIGN DISTRICT OVERLAY; CREATING ARTICLE 295 "VOLUNTARY MOBILITY PROGRAM" IN ORDER TO PROVIDE FOR A MOBILITY PROGRAM TO MANAGE VEHICULAR TRAFFIC DEMAND AND SUPPORT MULTIMODAL TRANSIT; AMENDING ARTICLE 303 "DISTRICT DEVELOPMENT STANDARDS" TO AMEND DENSITY AND DEVELOPMENT STANDARDS FOR THE CITY CENTER ZONING DISTRICT; CREATING ARTICLE 330 "COMMUNITY FACILITIES (CF) DISTRICT" TO ESTABLISH THE COMMUNITY FACILITIES ZONING DISTRICT; AMENDING ARTICLE 505 "SIGN REGULATIONS" CONCERNING REGULATIONS OF TRANSIT-RELATED SIGNAGE; AMENDING ARTICLE 605 "GENERAL APPLICATION REQUIREMENTS" TO IMPLEMENT THE VOLUNTARY MOBILITY PROGRAM; AMENDING ARTICLE 610 "PUBLIC HEARING NOTICES" TO PROVIDE FOR AMENDMENTS TO PUBLIC NOTICE MAILING REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING ARTICLE 655 "VACATIONS OF RIGHT-OF-WAY" TO AMEND THE PROCEDURES FOR RIGHT-OF-WAY VACATIONS; AMENDING ARTICLE 725 "DEFINITIONS" TO AMEND DEFINITIONS RELATED TO MOBILITY PROGRAM, DENSITY AND PERMITTED USES; PROVIDING FOR AMENDMENTS THROUGHOUT THE LAND DEVELOPMENT CODE TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

## **10. DISCUSSION AND POSSIBLE ACTION**

### **11. COMMISSION COMMENTS**

- 11.1 Commissioner Castro
- 11.2 Commissioner Duke
- 11.3 Commissioner McElyea
- 11.4 Vice-Mayor Grace
- 11.5 Mayor Flury

## **12. APPOINTMENTS**

1. Marine Advisory Board  
Commissioner Duke - 1 appointment  
Commissioner McElyea - 1 appointment

## **13. ADMINISTRATIVE REPORTS**

13.1 City Manager

13.2 City Attorney

13.3 City Clerk - Reminders

Thursday, July 14, 2011 - 6:00 p.m.  
Tuesday, August 9, 2011 - 7:00 p.m.  
Tuesday, August 23, 2011 - 7:00 p.m.

Special Budget Meeting  
City Commission Meeting  
City Commission Meeting

## **14. ADJOURNMENT**